

## **REMARKS**

The only issues outstanding in the Office Action mailed January 14, 2008, are the requirement for restriction and the rejections under 35 U.S.C. 102. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

### **Requirement for Restriction**

Applicant's traversal of the requirement for restriction is maintained.

At the outset, it is noted that claims 20, 21 and 22 are improperly withdrawn, inasmuch as these claims depend upon claim 1, and are drawn to the same composition as the elected group. Accordingly, claims 20-22 should be reclassified as elected claims, rather than withdrawn claims.

It is again suggested at 37 C.F.R. 1.475, entitled "unity of invention before the international searching authority, the international preliminary examining authority **and during the national stage**" controls. This section of the CFR states that unity of invention *shall* be found where the claims are drawn to a product and a process of use of the product. It is again respectfully submitted that the restriction requirement should be withdrawn.

### **Rejection Under 35 U.S.C. 102**

Claims 1-11 have been rejected under 35 U.S.C. 102(b) over Klaerner et al. '267. Reconsideration of this rejection is once again respectfully requested. As will be recalled, Kaerner is directed to methods and compositions for controlled free radical polymerization in heterogeneous aqueous media. See paragraph [0003]. In particular, Patentees' invention is directed nitroxide materials as polymerization controllers. The Applicants disclose a very large variety of monomers which can be used to produce block copolymers. See, for example, the list in paragraph [0013] and [0014]. This long list includes materials which can be rigid hydrophobic blocks such as polystyrene or poly(substituted) styrene, rigid hydrophilic blocks (such as polyacrylic acids, polymethacrylic acids, polyacrylamides, polydimethylacrylamides) or elastomeric hydrophobic blocks (such as polyacrylates). Applicants further indicate that the second block may be obtained by polymerization of the same monomers as those of the first block. See the above noted sections. Thus, at best, and only arguably, this disclosure could be

*generic* to the present claims reciting a blocked polymer having at least one rigid hydrophilic block (B), and at least one hydrophobic elastomeric block (A). Such a generic disclosure falls far short of an anticipation. While the Final Rejection argues that the patent teaches a hydrophobic/hydrophilic block copolymer, such is *insufficient* to **anticipate** the present claims. The present claims, even before amendment, require specific monomer types, the combination of which were not taught in the reference. In any event, the present claim has been clarified in order to specify specific monomers which are used to prepare the copolymers. Thus, such copolymers are not disclosed or suggested by the broad generic disclosure of the reference, further establishing that the claims are not anticipated.

In addition, Klaerner does not disclose the manufacture of block copolymers for adhesive compositions employed in a humid medium, and thus patentees have no reason to suggest copolymers which have the given water absorption capacities and a modulus in a humid medium measured using the probe tack test method of a tack energy greater than 100/Gcm<sup>2</sup>. Klaerner does not teach the use of a predominantly hydrophobic block, nor the preparation of a combination hydrophilic or hydrophobic material. One of ordinary skill in the art would not find disclosed, nor be motivated to prepare, a copolymer adhesive having acceptable behavior in a humid medium, in view of the materials disclosed for use in the dry medium of the reference. Indeed, a comparison of examples 10 and 11, and table 1, at page 10 of the present specification, shows that copolymers which work well in a humid medium, do not necessarily work well in a dry medium. Accordingly, this provides further basis for conclusion of not only novelty, but non-obviousness.

Accordingly, withdrawal of the present rejection is respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he or she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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